

# ORIGINAL

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA  
DUBLIN DIVISION

U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA  
AUGUSTA DIVISION  
FILED IN OFFICE  
8:37 m.  
01/25/2011  
B. McCarty  
Deputy Clerk

ROBERT HEARD,

Plaintiff,

v.

CATHY TANNER, et al.,

Defendants.

CV 311-082

## ORDER

After a careful, *de novo* review of the file, the Court concurs with the Magistrate Judge's Report and Recommendation, to which no objections have been filed. Accordingly, the Report and Recommendation of the Magistrate Judge is **ADOPTED** as the opinion of the Court. Therefore, Plaintiff's motion to proceed *in forma pauperis* is **DENIED** (doc. no. 2), his "Motion to Correct the Court's Error in Transferring the Above Case" is **DENIED AS MOOT** (doc. no. 7), and this action is **DISMISSED** without prejudice.<sup>1</sup> If Plaintiff wishes to proceed with the claims raised in this lawsuit, he must submit a new complaint, along with the full filing fee.

Dupree v. Palmer, 284 F.3d 1234, 1236 (11th Cir. 2002) (*per curiam*).

SO ORDERED this 25<sup>th</sup> day of October, 2011, at Augusta, Georgia.

  
UNITED STATES DISTRICT JUDGE

<sup>1</sup>Subsequent to issuance of the Report and Recommendation, Plaintiff moved to voluntarily dismiss his case without prejudice. (Doc. no. 7.) Because this action is subject to dismissal without prejudice for the reasons set forth in the Report and Recommendation, Plaintiff's motion to voluntarily dismiss is **MOOT**. See Cook v. Randolph County, 573 F.3d 1143, 1156 & n.7 (11th Cir. 2009) (noting that request becomes moot when requested relief has already been provided).